

ORDINANCE NO. 96- 31

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE 2010 FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT; MODIFYING FUTURE LAND USE ATLAS PAGE 64 BY CHANGING A 2.33 ACRE PARCEL OF LAND, GENERALLY LOCATED 1,300 FEET NORTHWEST OF THE CORNER OF SUMMIT BOULEVARD AND MILITARY TRAIL, FROM MEDIUM RESIDENTIAL 5 (MR-5) TO COMMERCIAL HIGH WITH AN UNDERLYING MEDIUM RESIDENTIAL 5 (CH/MR-5); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on August 23, 1996, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made a recommendation regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to

Chapter 163, Part II, Florida Statutes at the conclusion of the public hearing; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on September 26, 1996, to review the recommendation of the Local Planning Agency; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendment to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

An Amendment to the Land Use Element's Future Land Use Atlas of the Palm Beach County 1989 Comprehensive Plan, is hereby adopted as follows:

A. Future Land Use Atlas page 64 is amended as follows:

Application No.: SCA 96-S-7

Amendment: From 2.33 acres of Medium Residential 5 (MR-5) to Commercial High (CH) with an underlying Medium Residential 5 (CH/MR-5).

General Location: 1,300 feet northwest of the intersection of Summit Boulevard and Military Trail.

Size: 2.33 acres

B. A legal description for the parcel depicting the amendment is attached to this ordinance as Exhibit 1.

C. A map depicting the amendment is attached to this ordinance as Exhibit 2.

1
2
3 Part II. Effective Date

4 This amendment shall not become effective until 31 days
5 after adoption. If challenged within 30 days after adoption,
6 this amendment shall not become effective until the state land
7 planning agency or the Administration Commission, respectively,
8 issues a final order determining the amendment is in compliance.

9 APPROVED AND ADOPTED by the Board of County Commissioners of
10 Palm Beach County, on the 26 day of September, 1996.

11 DOROTHY H. WILKEN

12 PALM BEACH COUNTY, FLORIDA,
13 BY ITS BOARD OF COUNTY COMMISSIONERS

14
15
16 By: Joan Hawley

17 Deputy Clerk

18 ~~Chair~~

19 CHAIR
20
21

22 APPROVED AS TO FORM AND
23 LEGAL SUFFICIENCY

24
25
26 COUNTY ATTORNEY
27
28

29 Filed with the Department of State on the 3rd day of
30 October, 1996.
31

I:\COMMON\PLANNING\CURRENT\AMEND\SCA\KIA\ORDINANC\96S7ORD.WPD

LEGAL DESCRIPTION:

Parcel A

South 1/2 of the Northeast 1/4 of the Southwest 1/4 also being Lot 2, Block 3, PALM BEACH PLANTATIONS, recorded in Plat Book 10, page 20, of the Public Records of Palm Beach County, Florida, less the West 787 feet as measured along the South line less the North 111.04 feet as measured along the West line and less the South 371.06 feet as measured along the West line and less the East 402 feet as measured along the South line of Section 1, Township 44 South, Range 42, East, Palm Beach County, Florida.

Less the West 20 feet for road right of way purposes

Parcel B

The West 95.89 feet of the East 402 feet of the South 81.15 feet of the North 192.18 feet of the South one-half of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida.

Parcel C

The North 85.53 feet of the North Half of the South 371.06 feet, as measured along the West line, less the West 787 feet, as measured along the South line, and less the South 256 feet, as measured along the East line of the East 362 feet, as measured along the South line, and less the East 402 feet, as measured along the South line of the North 115.06 feet of the South 371.06 feet, as measured along the East line of the South Half of the Northeast quarter of the Southwest quarter of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida, less the West 20 feet for road right of way purposes

Parcel D

The North 70.47 feet of the South 256 feet of the East 186.21 feet of the West 973.21 feet and the North 29.53 feet of the South 285.53 feet of the East 146.21 feet of the West 933.21 feet of the NE 1/4 of the SW 1/4 of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida, less the West 20 feet for road right of way purposes.

Parcel E (O.R.B. 514, Page 649)

The North Half (N 1/2) of the South 185.53 feet, as measured along the West line, of the East 182.21 feet of the West 973.21 feet as measured along the South line, of the South Half (S 1/2) of the Northwest Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 1, Township 44 South, Range 42 East

SUBJECT to an easement for road and street purposes over and across the West 20 feet of the above described property.

Less the right of way for Bonnie Lane in O.R.B. 2310, page 882.

Parcel F (O.R.B. 1196, Page 7)

The Westerly 60 feet of the Easterly 362 feet of the Northerly 100 feet of the Southerly 216 feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida.

Parcel G (O.R.B. 5337, Page 1185)

The South Half of the South 185.53 feet as measured along the West line. LESS the West 787 feet and LESS the East 362 feet as measured along the South line of the South Half of the Northeast Quarter of the Southwest Quarter of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida.

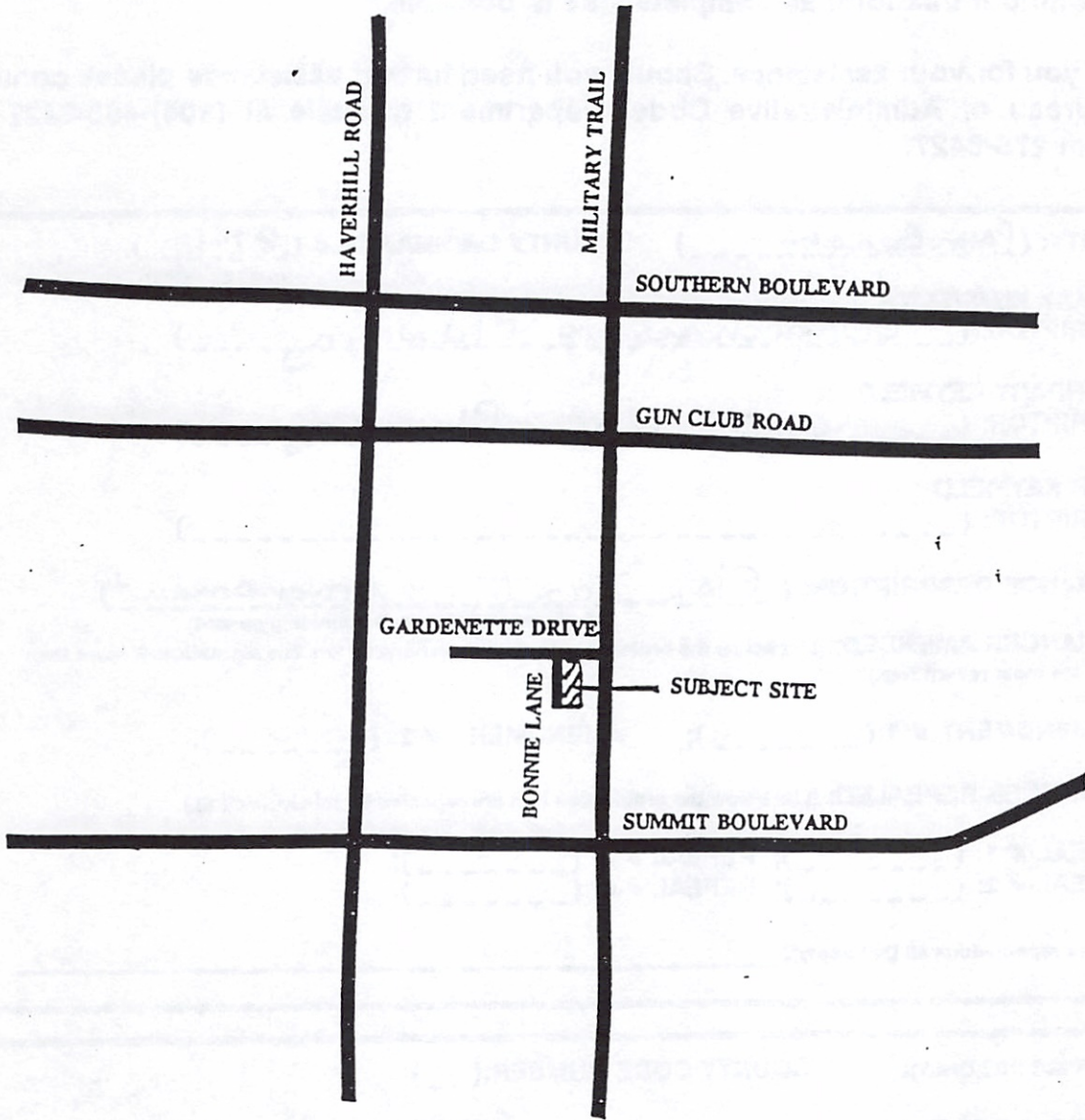
Parcel H

The Westerly 60 feet of the Easterly 362 of the Southerly 216 feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida

GENERALIZED LOCATION MAP

LOCATION:

The site is located approximately 1,300 feet northwest of the intersection of Summit Boulevard and Military Trail. Bonnie Lane is located just west of the site, with Gardenette Road immediately to the north.



N.T.S.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 9/26/96
DATED at West Palm Beach, FL on 10/11/96
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (Palm Beach) COUNTY ORDINANCE # (89-1) (e.g., 83-001)

PRIMARY KEYFIELD
DESCRIPTOR: (Comprehensive Planning)

SECONDARY KEYFIELD
DESCRIPTOR: (Land Use Planning)

OTHER KEYFIELD
DESCRIPTOR: ()

ORDINANCE DESCRIPTION: (PLAN TEXT Amendment)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (); AMENDMENT # 2: ().

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: (); REPEAL # 3: ();
REPEAL # 2: (); REPEAL # 4: ();

(Others repealed: list all that apply):

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()

KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()

KEYFIELD 3 CODE: ()

Rev. 8/28/88